

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Viktor Novosel

v.

Civil No. 10-cv-165-PB

Commissioner, NH Department
of Corrections, et al.

O R D E R

On today's date, a preliminary pretrial conference was held in this case. Viktor Novosel appeared on his own behalf via video conference, and Matthew G. Mavrogeorge and Kristen A. Fiore appeared for the defendants. The court approves defendants' proposed Discovery Plan (doc. no. 32) with the following amendments:

Theory of Defense: The defendants agreed to strike defense #4 (absolute immunity).

Demand/Offer: Defendants expressed a willingness to entertain a written settlement demand or proposal from Mr. Novosel.

Trial Date: Two-week period beginning April 3, 2012.

Mr. Novosel expressed concerns with agreeing to any schedule in his case due to his inability to communicate with his key witnesses (his brother and niece). Mr. Novosel

expressed a desire to continue his case indefinitely, and until such time as he is able to communicate with his witnesses. The court explained that a motion to continue the case was not before it, and that even if it were, he would not be entitled to an indefinite continuance. The court explained that if, in the future, Mr. Novosel needs an extension on a deadline or a continuance of his trial, he should both seek concurrence from opposing counsel and apply to the court for such relief.

Understanding that he could seek an extension or continuance when necessary, and, if meritorious, the court would grant it, Mr. Novosel agreed with the discovery plan as proposed by the defendants.

A motion to reconsider (doc. no. 29) the Report and Recommendation is currently pending, in which Mr. Novosel has requested an extension of time to respond to the Report and Recommendation (doc. no. 27). Defendants indicated that they have no objection to extending the timeframe for Mr. Novosel to file his response to the Report and Recommendation.

At the pretrial conference, Mr. Novosel asked if the court had received affidavits from Mr. Novosel's brother and/or niece.

The court has reviewed the docket and found no evidence of affidavits from Mr. Novosel's brother or niece.



Landya B. McCafferty
United States Magistrate Judge

Date: March 8, 2011

cc: Viktor Novosel, pro se
Kristen A. Fiore, Esq.
Matthew G. Mavrogeorge, Esq.